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DIVISION OF  
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December 13, 2012

BY EMAIL

The Honorable Paul A. Crotty  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *SEC v. Harbinger Capital Partners LLC, et al.*, 12-cv-5028 (PAC)  
*SEC v. Falcone, et al.*, 12-cv-5027 (PAC)

Dear Judge Crotty:

I write regarding the scheduling of oral argument on the pending motions to dismiss filed by defendants in both the 5027 and 5028 cases. Under the briefing schedule, plaintiff's opposition briefs are due January 4, 2013, and defendants' reply briefs on January 25, 2013.

✓ The parties have conferred and respectfully request that oral argument be held on Thursday, February 28, 2013 at 3:00pm in Courtroom 11-D

Respectfully submitted,

David Stoelting

cc (via email): David J. Gottesman (SEC counsel in 12-cv-5027)  
Matthew S. Dontzin (counsel for Philip A. Falcone)  
Leslie Gordon Fagen (counsel for Harbinger entities)  
Robert W. Pommer (counsel for Peter A. Jenson)

✓ SO ORDERED: 12-14-12

HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED